



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB1073**

Introduced 2/8/2005, by Rep. Michael J. Madigan - Barbara Flynn Currie

**SYNOPSIS AS INTRODUCED:**

5 ILCS 100/1-20	from Ch. 127, par. 1001-20
5 ILCS 100/1-70	from Ch. 127, par. 1001-70
5 ILCS 220/3	from Ch. 127, par. 743

Amends the Illinois Administrative Procedure Act and the Intergovernmental Cooperation Act. Requires that before entering into or implementing an intergovernmental agreement, a State agency must adopt administrative rules as the means of doing so, including rules that establish the terms and conditions of the agreement. Provides that if 2 or more State agencies wish to participate in an intergovernmental agreement, they may adopt joint rules. Requires State agencies to file, with the Secretary of State within 6 months, copies of existing intergovernmental agreements that have not been fully performed by all parties. Adopts the definition of State "agency" from the Illinois Administrative Procedure Act and includes the Governor for purposes of intergovernmental agreements. Effective immediately.

LRB094 09273 RCE 40898 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Administrative Procedure Act is  
5 amended by changing Sections 1-20 and 1-70 as follows:

6 (5 ILCS 100/1-20) (from Ch. 127, par. 1001-20)

7 Sec. 1-20. "Agency" means each officer, board, commission,  
8 and agency created by the Constitution, whether in the  
9 executive, legislative, or judicial branch of State  
10 government, but other than the circuit court; each officer,  
11 department, board, commission, agency, institution, authority,  
12 university, and body politic and corporate of the State; each  
13 administrative unit or corporate outgrowth of the State  
14 government that is created by or pursuant to statute, other  
15 than units of local government and their officers, school  
16 districts, and boards of election commissioners; and each  
17 administrative unit or corporate outgrowth of the above and as  
18 may be created by executive order of the Governor. "Agency",  
19 however, does not include the following:

20 (1) The House of Representatives and Senate and their  
21 respective standing and service committees, including  
22 without limitation the Board of the Office of the Architect  
23 of the Capitol and the Architect of the Capitol established  
24 under the Legislative Commission Reorganization Act of  
25 1984.

26 (2) The Governor, except with respect to  
27 intergovernmental agreements.

28 (3) The justices and judges of the Supreme and  
29 Appellate Courts.

30 (4) The Legislative Ethics Commission.

31 (Source: P.A. 93-617, eff. 12-9-03; 93-632, eff. 2-1-04;  
32 revised 1-9-04.)

1 (5 ILCS 100/1-70) (from Ch. 127, par. 1001-70)

2 Sec. 1-70. "Rule" means each agency statement of general  
3 applicability that implements, applies, interprets, or  
4 prescribes law or policy, but does not include (i) statements  
5 concerning only the internal management of an agency and not  
6 affecting private rights or procedures available to persons or  
7 entities outside the agency, (ii) informal advisory rulings  
8 issued under Section 5-150, (iii) intra-agency memoranda, (iv)  
9 the prescription of standardized forms, or (v) documents  
10 prepared or filed or actions taken by the Legislative Reference  
11 Bureau under Section 5.04 of the Legislative Reference Bureau  
12 Act. "Rule" also includes the exclusive means by which a State  
13 agency may enter into or implement an intergovernmental  
14 agreement as provided in Section 3 of the Intergovernmental  
15 Cooperation Act.

16 (Source: P.A. 87-823; 87-1005.)

17 Section 10. The Intergovernmental Cooperation Act is  
18 amended by changing Section 3 as follows:

19 (5 ILCS 220/3) (from Ch. 127, par. 743)

20 Sec. 3. Intergovernmental cooperation.

21 (a) Any power or powers, privileges, functions, or  
22 authority exercised or which may be exercised by a public  
23 agency of this State may be exercised, combined, transferred,  
24 and enjoyed jointly with any other public agency of this State  
25 and jointly with any public agency of any other state or of the  
26 United States to the extent that laws of such other state or of  
27 the United States do not prohibit joint exercise or enjoyment  
28 and except where specifically and expressly prohibited by law.  
29 This includes, but is not limited to, (i) arrangements between  
30 the Illinois Student Assistance Commission and agencies in  
31 other states which issue professional licenses and (ii)  
32 agreements between the Illinois Department of Public Aid and  
33 public agencies for the establishment and enforcement of child

1 support orders and for the exchange of information that may be  
2 necessary for the enforcement of those child support orders.

3 (b) The exclusive means by which a State agency, as defined  
4 in Section 1-20 of the Illinois Administrative Procedure Act,  
5 may enter into or implement an intergovernmental agreement is  
6 by the prior adoption of rules in accordance with the Illinois  
7 Administrative Procedure Act. Two or more State agencies who  
8 wish to participate in the same intergovernmental agreement may  
9 do so by adopting joint rules in accordance with the Illinois  
10 Administrative Procedure Act. The rules must include, at a  
11 minimum, the actual terms and conditions of the specific  
12 intergovernmental agreement that is contemplated by the State  
13 agency or agencies.

14 Within 6 months after the effective date of this amendatory  
15 Act of the 94th General Assembly, each State agency must file,  
16 with the Index Department of the Office of the Secretary of  
17 State, a copy of each intergovernmental agreement entered into  
18 by that agency, or any of its predecessor agencies, prior to  
19 the effective date of this amendatory Act of the 94th General  
20 Assembly that was not fully performed by all parties before  
21 that effective date.

22 (Source: P.A. 90-18, eff. 7-1-97; 91-298, eff. 7-29-99.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.